

REMARKS

In response to the Official Action dated 1/16/2004, the above-identified application has been amended in an attempt to place the claims in condition for allowance. Review and reconsideration are requested in view of the above amendments and following remarks.

Claims 1-5 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,458,606 to Cohen in view of U.S. Patent Application Nos. 2003/0083552 to Remijan et al. and 2002/0165467 to Rutenberg. It is stated that:

In reference to claims 1-5, and 9-12, Cohen discloses [the invention save for the introducer needle. Remijan et al. discloses applicant's claimed invention including an introducer needle. Rutenberg teaches of a cytological brush.]

The amendments to the claims define over the cited art. Cohen shows fluid tube 218 which inserts at one end into a connecting tube 220 for purposes of connecting to an irrigating port 206. These tubes 218 and 220 would not readily permit insertion of the tissue removal member which would not only require multiple bends to each the tube 210, but would be further hindered by the shrink tube 224 around the ends of the tubes 218 and 226. Tubes 226, 227 and 214 are similarly hindered. Cohen simply does not disclose, teach or suggest partitioned channels which define separate, unrestricted and unobstructed paths to an open surface end of the housing. Remijan et al. disclose only an endoscope and Rutenberg only a cytological brush. Cohen alone or in combination with Remijan et al. or with Rutenberg, neither disclose, teach or suggest the claimed combination. Withdrawal of the rejection is kindly requested.

For the reasons stated above, neither Cohen alone or in combination with Remijan or Rutenburg disclose, teach or suggest the claimed combination. Withdrawal of the rejections of claims 6-8 is kindly requested.

Accordingly, withdrawal of the rejections is respectfully requested and allowance of claims 1-12 is requested at as early a date as possible. This is intended to be complete response to the Official Action dated 1/16/2004. A petition for extension of time for two month extension with fee is submitted herewith.

Respectfully submitted,



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I hereby certify that this correspondence is being mailed to the Mail Stop Patent Applications, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with sufficient First class postage thereon on the date shown below.

Date 6/16/2004



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